

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Magistrate Case No.

2008 MAR -3 AM 10:08  
'08 MJ 0630  
DEPUTY

Plaintiff,

) COMPLAINT FOR VIOLATION OF:

v.

Manuel CASTILLO-Cruz

Aka: Alejandro FERNANDEZ-Licona

) Title 8, U.S.C., Section 1326 -

) Deported Alien Found in the

Defendant.

) United States

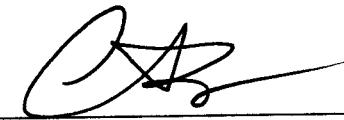
The undersigned complainant, being duly sworn, states:

On or about, **February 25, 2008**, within the Southern District of California, defendant, **Manuel CASTILLO-Cruz** (aka: Alejandro, FERNANDEZ-Licona), an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
Patricia Vargas, Deportation Officer  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3<sup>rd</sup> DAY OF March 2008.

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE  
**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**

**PROBABLE CAUSE STATEMENT**

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer Gladys Martinez, declare under penalty of perjury the following to be true and correct:

On February 25, 2008, the defendant identified as, **Manuel CASTILLO-Cruz** (FERNANDEZ-Licona, Alejandro), was apprehended by Officers of the Escondido Police Department, Escondido, California, while conducting a traffic stop. The defendant was placed under arrest for Violation of CVC-23152 (a) DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE, and booked into County Jail. While in the custody of county jail, an Immigration Agent conducted a field interview, determined the defendant to be a citizen of Mexico and placed an Immigration Hold (I-247) pending his release from jail.

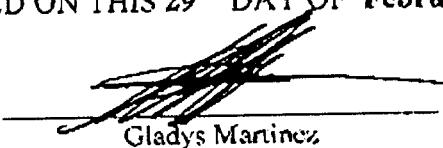
On February 29, 2008, the defendant was referred to the United States Immigration and Customs Enforcement Field Office in San Diego, California. An Immigration Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant **Manuel CASTILLO-Cruz** (FERNANDEZ-Licona, Alejandro) has been ordered removed from the United States by an Immigration Judge on or about September 25, 1997, and removed to Mexico, via the Otay Mesa California, Port of Entry on September 25, 1997. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

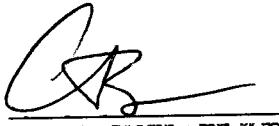
The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, **Manuel CASTILLO-Cruz** (FERNANDEZ-Licona, Alejandro), a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.

EXECUTED ON THIS 29<sup>th</sup> DAY OF February 2008 AT 6:00pm

  
Gladys Martinez  
Deportation Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page, I find probable cause to believe that the defendant named therein committed the offense on February 25, 2008 in violation of Title 8, United States Code, Section 1326.

  
U.S. MAGISTRATE JUDGE  
**CATHY ANN BENCIVENGO**  
U.S. MAGISTRATE JUDGE

  
2/29/08 8:05 pm  
DATE / TIME